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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

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New York Department of Public Service
Request for Release of a New Area Code
to Provide Relief for the 716 Numbering
Plan Area

) CC Docket No. 96-98
) NSD File No. L-00-161
) DA 00-1806
)

COMMENTS OF AT&T CORP.

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, AT&T Corp.

("AT&T") hereby submits its comments on the New York Department of Public Service's ("NYDPS") June 20, 2000 letter seeking release of a new area code to relieve the 716 NPA ("Letter").¹ The NYDPS relief plan would split fourteen rate centers, requiring carriers to obtain central office codes in both the old and new NPAs in order to continue to serve existing customers in the split rate center without requiring them to change their seven-digit phone number. AT&T does not oppose the requested relief in light of the particular circumstances surrounding the NYDPS's request, but urges the Commission to continue its policy of discouraging the splitting of rate centers in NPA relief plans.

The duplication of central office codes required by NPA splits that do not adhere to rate center boundaries is an inherently inefficient and wasteful use of numbering resources, and cuts sharply against recent efforts by the Commission, state commissions and the industry to optimize the use of numbers and prolong the life of both individual NPAs and the NANP.

¹ Letter from Lawrence G. Malone, General Counsel, NYDPS to Lawrence Strickling, Chief, Common Carrier Bureau, FCC (June 20, 2000) ("Letter").

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Splitting rate centers inevitably hastens the exhaust of a new NPA, and impacts number administration in ways that extend beyond the need to allocate duplicate codes to carriers already serving the affected rate centers. New carriers that enter split rate centers may very likely require duplicate codes for each NPA as well. Further, unless wireless carriers are given the option to “grandfather” their existing telephone numbers, those carriers and their customers will be disproportionately burdened because wireless customers will be forced to return their handsets for reprogramming. Wireline carriers and customers, in contrast, will face no such requirement if they are forced to change telephone numbers.

Although AT&T opposed the decision to split rate centers in its comments on the NYDPS’s 716 relief planning proceedings, it believes the NYDPS reasonably concluded that the proposed area code boundaries are in the public interest. In light of the facts that a relatively small proportion of the rate centers in 716 will be split, and that mandatory thousands block number pooling and other conservation measures are in place in that area code, the Letter presents a situation analogous to that which prompted the Common Carrier Bureau to grant similar relief to the NYDPS for the 914 NPA.²

The Commission should, however, reject the Letter’s suggestion that the 716 relief plan should somehow trump industry guidelines because it “reflects viewpoints not represented in the development of the NPA guidelines by the industry.”³ Such an exception

² See Letter from Lawrence Strickling, Chief, Common Carrier Bureau, FCC to Lawrence G. Malone, General Counsel, NYDPS (December 3, 2000) (granting request because 914 relief plan “will split only five rate centers” and the “NYDPS is taking additional steps to conserve numbers”) (“CCB 914 Letter”).

³ Letter, p. 3.

could entirely swallow the principle, recognized by Congress in 47 U.S.C. § 251(e), that consistent national numbering policies are essential to both the development of competition and the provision of the telecommunications services consumers demand.⁴ The Commission has recognized the need for state and local input into NPA relief decisions, and has balanced that need against the need for national numbering standards by carefully -- and correctly -- delineating the roles of the FCC, state commissions, and the NANC⁵ in establishing and administering numbering policies.

There is simply no basis for the suggestion that state commissions should be permitted to violate industry guidelines on the grounds that a state commission received public input during the NPA relief planning process. While waivers of the guidelines' requirements may be warranted in some cases, the Commission should continue to review state commissions' requests to split rate centers. All available evidence suggests that there will be a limited number of such requests, and that most will be fairly routine matters that will not burden the CCB. The

⁴ See also Memorandum Opinion and Order and Order on Reconsideration, Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, 13 FCC Rcd 19009, 19025 ¶ 23 (1998) (ruling that permitting state commissions to proceed with numbering administration measures "on a piecemeal basis" could "jeopardiz[e] telecommunications services throughout the country").

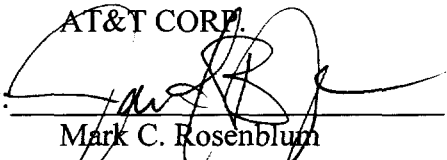
⁵ See generally, e.g., Report and Order, Administration of the North American Numbering Plan, CC Docket No. 92-237, FCC 95-283 (released July 13, 1995) ¶ 31 ("[D]espite its flaws, the current model for addressing numbering issues and policy development has enjoyed significant success. For example, since this docket was opened the industry has consolidated numbering efforts into one primary committee - the Industry Numbering Committee (INC). This committee has successfully resolved many numbering issues without Commission or other NANP member country regulatory proceedings or actions.").

Commission should maintain its longstanding, well-considered balance of federal and state authority in area code relief decisions.

CONCLUSION

AT&T urges the Commission to act on the NYDPS's Letter in a manner consistent with these comments.

Respectfully submitted,

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September 5, 2000

CERTIFICATE OF SERVICE

I, Margaret Brue, do hereby certify that on this 5th day of September, 2000, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first-class mail, postage prepaid to the party listed below:

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